

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13-cv-35-RJC**

PAULA R. WARD,

Plaintiff,

v.

**CAROLYN W. COLVIN,¹
Acting Commissioner of
Social Security Administration,**

Defendant.

ORDER

THIS MATTER comes before the Court on Defendant's unopposed motion to reverse the Commissioner's decision and remand this case to the Commissioner for further action. (Doc. No. 18). Under sentence six of 42 U.S.C. § 405(g), "[t]he court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security." See also Melkonyan v. Sullivan, 501 U.S. 89, 101 n.2 (1991) ("Sentence six . . . authorizes the district court to remand on motion by the Secretary made before the Secretary has filed a response in the action."); Shalala v. Schaefer, 509 U.S. 292, 305 n.2 (1993) ("Sentence-six remands may be ordered in only two situations: where the Secretary requests a remand before answering the complaint, or where new, material evidence is adduced that was for good cause not presented before the agency.").

The Commissioner contends that remand would be appropriate to reassess Plaintiff's

¹ Defendant filed the present action on October 22, 2012 to appeal Michael J. Astrue's denial of her social security claim. Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin was substituted for Michael J. Astrue as the Defendant in this suit.

maximum residual functional capacity. (Doc. No. 18).

Accordingly, the Court hereby **REVERSES the decision of the Commissioner** and **REMANDS this case** for further administrative proceedings.

IT IS, THEREFORE, ORDERED, for good cause shown, that Defendant's Motion for Remand, (Doc. No. 18), is **GRANTED**.

Signed: January 10, 2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

